

## COLGATE AND UNTERMAYER SCRAP AT R. R. HEARING

Banker Accuses Lawyer of a Holdup for Rutland Stockholders.

### "INFAMOUS" IS ANSWER

Mellen Would Guarantee 3 Per Cent if New Haven Road Got Control.

**ALBANT.** May 2.—More than 200 residents of Vermont and northern New York were before the up-State Public Service Commission to-day urging the granting of the application of the New York, New Haven and Hartford Railroad Company to acquire control of the Rutland Railroad.

The Vermont delegation was headed by Gov. John A. Mood, who said he was one of the largest shippers in the State. With him were delegations from Rutland, Bennington, Brattleboro, Vergennes, Middlebury and Proctor. The northern New York delegation was headed by Mayor George E. Van Kessel of Ogdensburg, with former Mayors E. A. Newell and D. B. Lucy of that city and Mayor F. M. Hugo of Watertown. Petitions containing several hundred signatures from village boards, commercial bodies, labor organizations, shippers and citizens along the line of the Rutland in New York and Vermont were presented, all favoring the granting of the application.

Percival W. Clement, Mayor of Rutland, and president of the Rutland Railroad from 1888 to 1902, said that he believed the taking over of the Rutland by the New Haven would be desirable. He said that New Haven control would mean an increase of traffic which ought to amount to \$500,000 yearly, and if so the road ought to pay a 3 per cent yearly dividend.

Representing E. H. R. Rockwood & Sons, Boston bankers, Joseph W. Lund said his firm thought that the New Haven would put more freight over the Rutland than the Central does. Because of this his firm, as dis possessors of \$10,000,000 of Rutland securities, would favor the change of control, as it would materially increase the value of their securities.

Benjamin Campbell, vice-president of the New Haven, said that if the Rutland was under New Haven control 15 per cent of through rates would be allowed it.

Of the 90,000 shares of the stock of the Rutland, Samuel Untermeyer said he represented 17,000 shares. A sharp discussion arose between Mr. Untermeyer and James B. Colgate, of New York, who had come to represent Mr. Colgate's son, who has been instrumental in the insinuation of Mr. Untermeyer that he had been purchasing Rutland stock for interests connected with the New Haven, and he gave as his opinion that the present proposal of the minority stockholders was a holdup. Mr. Untermeyer characterized the statement as "infamous."

President Mellen, who sat near by, said that neither he nor any director of the New Haven had taken or attempted to get a single share of the minority stock. Mr. Mellen, who was subpoenaed by the minority stockholders represented by Mr. Untermeyer in response to the latter's question, said he did not discuss the subject now, before the committee with the minority stockholders and admitted that he had suggested that the New Haven take a legal of the Rutland. He also admitted that he was willing to recommend a 3 per cent. guarantee upon the stock, but he would not advise more than that.

In reply to Mr. Untermeyer's question Mr. Mellen said that he was not willing to take the minority stock for the same price as the majority, nor was he willing to put his intentions in a form of any binding obligation. He said he believed that in the future the minority stock would be worth more than it was now proposed to pay for the majority.

Decision was reserved by the commissioners.

### MRS. EARL TELLS OF CRUELTY.

Accusing and Accused Wife's Story of Her Husband's Treatment.

THURSTON, N. J., May 2.—Testifying before Vice-Chancellor Lewis in her suit for divorce to-day Mrs. Irma Leigh Earl told without flinching of many distressing incidents which had helped to make her life unhappy since her marriage to Binney Woodward Earl of Edgewater Park, heir prospective to a fortune running into the millions. Mr. Earl had answered the petition with a cross bill containing accusations against his wife, and his counsel led Mrs. Earl upon cross-examination through all the disagreeable testimony without eliciting anything further than complete denial.

In her story Mrs. Earl told how she and her husband had been childhood friends living in adjoining houses in Edgewater Park. Three years ago she decided to elope and was surprised at Mrs. Holly. Returning they lived at the house of Earl's mother for several months and then moved into a home of their own.

Mrs. Earl left her husband last October because, she said, of his intolerable treatment. She told how Earl remained away from home at night and sometimes the help brought her grief, pain and suffering which had been taken up in his automobile. She described her husband as a "gentleman addicted to fast living."

In his cross bill Mr. Earl had charged his wife with intimacy with Mark Whitfield, cook for the household. During his husband's absence Mrs. Earl had frequently been left alone in the house but she denied having him upstairs in her bedroom or remaining with him alone at night.

Another charge of the husband involved Alexander Gouارد, a traveling salesman, who had been a schoolmate of Mrs. Earl. Gouارد called at the house on day and, according to Mrs. Earl, her husband invited him to stay over night. When it was time to go to bed, Earl went to his apartment and retired to his own. She said her husband did not come upstairs for some time even when she called him. Instead he sent for Mrs. Earl's father and upon his arrival charged the daughter in his presence with having been in Gouارد's room for several hours. The father and Gouارد then left the house and Earl went later and returned in the morning.

There will be another hearing on May 24.

### INDICTED FOR REBATING.

Freight Agent of the C. & O. and Chicago Dealer Accused.

William L. Divine, general freight agent of the Chesapeake and Ohio Railway Company and Harold B. Wakem of Wakem & MacLennan, liquor dealers, custom house brokers and forwarders, Chicago, were indicted yesterday by the Federal Grand Jury on the charges respectively of fixing and accepting rebates on shipments of rum, liquors and olive oil from New York to Chicago. The indictment has five counts concerning rebates made by the Federal Sugar Refining Company of "Yonkers, N. Y." was used yesterday by United States Attorney Henry A. Wige on behalf of the Government.

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